

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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MICHAEL JOHNSON,

Case No. 5:06-CV-101

Petitioner,

Hon. Richard Alan Enslen

v.

WILLIE O. SMITH,

**ORDER**

Respondent. /

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This matter is before the Court on Petitioner Michael Johnson's Objection to United States Magistrate Judge Ellen S. Carmody's Order of January 11, 2007, granting Respondent's Motion for Leave to File Answer Instantly. This Court reviews the Order for clear error in accordance with 28 U.S.C. § 636(b)(1)(A).

Petitioner objects to Magistrate Judge Carmody's decision to grant Respondent's Motion for Leave to File Answer Instantly arguing that "Respondent had more than enough time to answer petitioner's petition..." (Obj. at 2.) Magistrate Judge Carmody granted the Motion finding good cause as Respondent was preparing for a petition for certiorari to be filed in the United States Supreme Court and was unable to complete the answer on the date specified. As the Court does not find this decision to be clearly erroneous, the Objection will be denied.

**THEREFORE, IT IS HEREBY ORDERED** that Petitioner Michael Johnson's Objection (Dkt. No. 10) is **DENIED**, and the Order of January 11, 2007 (Dkt. No. 9) is **AFFIRMED**.

DATED in Kalamazoo, MI:  
February 13, 2007

/s/ Richard Alan Enslen  
RICHARD ALAN ENSLEN  
SENIOR UNITED STATES DISTRICT JUDGE